

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLINTON HECK,

Plaintiff,

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BRUCE GAGE et al.

Defendants.

CASE NO. C11-5539-BHS-JRC

ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL

This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned

Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4. Plaintiff has filed a motion for appointment of counsel (ECF No. 13).

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court can request counsel to represent a party, 28 U.S.C. § 1915(e) (1), the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir.

1 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional
2 circumstances requires an evaluation of both the likelihood of success on the merits and
3 the ability of the plaintiff to articulate his claims pro se in light of the complexity of the
4 legal issues involved. Wilborn, 789 F.2d at 1331.

5 Plaintiff has demonstrated an adequate ability to articulate his claims pro se. His
6 pleadings to date have been clear and concise. While plaintiff complains of mental
7 impairment, that impairment has not affected his ability to articulate his claims to date.
8 The motion is DENIED.

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10 Dated this 28th day of September, 2011.

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13 J. Richard Creatura
14 United States Magistrate Judge
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